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Application No.: 10/695,282

Inventor(s): Jordan et al.

Filed: October 28, 2003

Docket No.: 9083M&amp;

Confirmation No.: 3958

Customer No.: 27752

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Caroline Wei Berk (Signature)

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1) second response to a restriction requirement

(2 pages)

2)

3)

4)

5)

Number of Pages Including this Page: 3

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Application No. : 10/695,282  
Applicant(s) : Jordan et al.  
Filed : October 28, 2003  
Title : PERFUEM POLYMERIC PARTICLES  
TC/A.U. : 1751  
Examiner : John R. Hardee  
Conf. No. : 3958  
Docket No. : 9083M&  
Customer No. : 27752

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**SECOND RESPONSE TO A RESTRICTION REQUIREMENT**

Mail Stop Amendment  
Commissioner for Patents  
P. O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

This is a supplemental response to an Office communication dated January 17, 2006, relating to Applicants' response to a Restriction Requirement, which is dated November 23, 2005.

Applicants elected Group I, Claims 1-25, drawn to a perfume polymeric particle, without traverse, in the previous response dated December 8, 2005.

Applicants hereby further elect, with traverse, the cationic monomer represented by the species having  $T = \text{carboxylic}$ ,  $Z = \text{CH}_2$  and  $z = 2$  for prosecution on the merits.

Applicants submit that Aside from the very brief statement regarding the election of species in reference to the figures, the remainder of the Examiner's action relates to procedural issues. Applicants submit that in this regard, the Examiner has failed to provide the requisite basis for the election of species requirement per M.P.E.P. §808.01. Instead, the Examiner's comments regarding the election are merely conclusory. Furthermore, contrary to M.P.E.P. §808.16, the Examiner has provided no reasons for insisting upon election.

The Examiner's failure to provide the proper basis and rationale for the election of species requirement makes it impossible for Applicant to provide a meaningful traversal in this response.

Applicants expressly reserve the right to file continuation and/or divisional applications directed to the subject matter of the non-elected claims.

Respectfully Submitted,



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February 16, 2006  
Customer No. 27752